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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: **02/14/2024**

February 12, 2024

VIA ECF FILING

Hon. Nelson S. Román
United States District Court
Southern District of New York
300 Quarropas Street, Courtroom 218
White Plains, New York 10601

Re: *Biokit Research & Development, S.L.U. et al v. Siemens Healthcare Diagnostics Inc.*, Case No. 7:23-cv-10977-NSR

Dear Judge Román,

Plaintiffs Biokit Research & Development, S.L.U. and Biokit, S.A. (collectively “Biokit”) and Defendant Siemens Healthcare Diagnostics Inc. (“Siemens Healthineers” and with Biokit, collectively, the “Parties”) submit this joint letter, pursuant to the Court’s January 9, 2024 Memo Endorsement (the “Order,” ECF No. 10).

In the Order, the Court granted the Parties’ request for a stay of this action to allow time for the Parties to schedule and participate in mediation. In particular, the Court adjourned Siemens Healthineers’ deadline to file a responsive pleading until February 19, 2024, and further stayed proceedings until February 19, 2024, *without prejudice to seek further extensions, for the Parties to submit a dually executed document identifying the mediator and scheduled date for mediation.*

The Parties are pleased to report that they have since engaged Marc Isserles of JAMS: Mediation, Arbitration and ADR Services (“JAMS”), and have scheduled mediation with Mr. Isserles for March 19, 2024 at JAMS’s New York City facility. Accordingly, the Parties respectfully request a continued stay of all proceedings until after the completion of that mediation and any necessary follow-up session(s) with him. At such time, the Parties should then be in a position to provide a mediation status report to the Court, and if the matter is not successfully resolved at mediation, with an agreed date for Siemens Healthineers’ response to Biokit’s Complaint.

MEMO ENDORSED

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The only previous requests for adjournment or extensions of time sought in this case was the relief sought and granted in the Order. If the Court would like to hear from the Parties on any issues, the Parties are available for a conference at the Court's convenience.

Respectfully submitted,

/s/ Martin S. Krezalek

Larry R. (Buzz) Wood, Jr.
Martin S. Krezalek

*Attorneys for Siemens Healthcare
Diagnostics Inc.*

/s/ George Mencio, Jr.

George Mencio, Jr.
Marc L. Antonecchia

*Attorneys for Biokit Research &
Development, S.L.U. and Biokit, S.A.*

The Parties' request is GRANTED. All case proceedings and deadlines are stayed pending the resolution of mediation proceedings. The parties are directed to file a joint status letter or a proposed stipulation and order of settlement and dismissal on or before April 15, 2024.

The Clerk of the Court is directed to terminate the motion at ECF No. 11.

**Dated: February 14, 2024
White Plains, NY**

SO ORDERED:


HON. NELSON S. ROMÁN
UNITED STATES DISTRICT JUDGE